

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

WAYMAN L. PRICE,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CASE NO. 4:11-CV-35 CDL-MSH
	:	42 U.S.C. § 1983
RANDOLPH COUNTY PROBATION	:	
OFFICE and SCOTT TAYLOR,	:	
	:	
Defendants.	:	

RECOMMENDATION OF DISMISSAL

On April 8, 2011, Plaintiff filed his Complaint along with a motion to proceed *in forma pauperis* (IFP). (ECF Nos. 1, 2). On April 11, 2011, the Court granted Plaintiff's motion to proceed IFP and ordered Plaintiff to file an amended complaint on the proper 42 U.S.C. § 1983 form which complies with Rule 8 of the Federal Rules of Civil Procedure. (Order 2, Apr. 11, 2011, ECF No. 5.) It was explained to Plaintiff that failure to comply with the Court's Order within thirty days could result in the dismissal of his Complaint. (*Id.* at 3.) Plaintiff has failed to comply with the Court's Order by submitting an amended complaint. Consequently, the Court recommends dismissal of Plaintiff's Complaint pursuant to Federal Rules of Civil Procedure Rule 41(b) for failure to comply with a court order. *See Betty K. Agencies, Ltd. v. M/V Monada*, 432 F.3d 1333, 1337 (11th Cir. 2005) (explaining that a court may *sua sponte* dismiss an action pursuant to Federal Rules of Civil Procedure Rule 41(b)); *Smith v. Bruster*, No. 10-12098, 2011 WL 1533448, at * 2 (11th Cir. Apr. 25, 2011) ("[T]he district court may *sua sponte* dismiss an

action pursuant to Federal Rule of Civil Procedure 41(b) if the plaintiff fails to comply with court rules or a court order.”).

WHEREFORE, IT IS HEREBY RECOMMENDED that Plaintiff’s Complaint be DISMISSED without prejudice for failure to comply with a court order. Pursuant to 28 U.S.C. § 636(b)(1), Plaintiff may file objections to this Recommendation in writing with the UNITED STATES DISTRICT COURT within FOURTEEN (14) DAYS after being served with a copy hereof.

SO RECOMMENDED this 30th day of June, 2011.

S/ Stephen Hyles
UNITED STATES MAGISTRATE JUDGE